

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-42 are pending in the application, with claims 1, 7, 15, 16, 23, 24, 29, and 30 being the independent claims. Claims 7, 23, 24, 29 and 30 are sought to be amended. New claims 41 and 42 are sought to be added. Applicants reserve the right to prosecute similar or broader claims, with respect to the cancelled and amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Statement of Substance of Examiner Interview***

Applicants respectfully thank the Examiner for extending the courtesy of a telephone interview on September 17, 2009. In the interview, the Examiner and Applicants discussed why the claims distinguished over the applied references. Applicants suggested proposed new claims and amendments to the independent claims to further distinguish the claims from the applied references. No final agreement was reached.

***Rejections under 35 U.S.C. § 103***

**Claims 1-4, 7-10, 14, 16-19, 24-26, 29-33, and 37-40**

At page 4 of the Office Action, the Examiner rejected claims 1-4, 7-10, 14, 16-19, 24-26, 29-33, and 37-40 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,041,412 to Timson *et al.* ("Timson") in view of U.S. Patent Number 6,959,336 to Moreh *et al.* ("Moreh") and further in view of U.S. Patent Number 6,839,843 to Bacha *et al.* ("Bacha"). Applicants respectfully traverse this rejection and the Response to Arguments on pages 2-4 of the Office Action.

The system in Timson uses "two secure data modules which contain security data and other information" and "a dual module reader for reading data and permissions contained on the secure data modules." (Timson, col. 2, lines 14-21.) Timson states that "[t]he two secure data modules include an enabling module and an interrogatable module." (Timson, col. 2, lines 21-22.) Timson further states that "[t]he interrogatable module is either physically inserted into the dual module reader or brought into contactless communication with the dual module reader." (Timson, col. 2 line 66- col. 3, line 1.) Timson states that "[i]nitially, there is a 'handshake' procedure by which the dual module reader determines whether the enabling card and interrogatable card can interface or communicate . . . [a]fter the initial handshake is successful, the interrogatable module and interrogatable module reader transmits a challenge to the enabling module via the enabling module reader to determine whether the enabling module is authorized to perform data operations to the data contained on the interrogatable module . . . the ability of the enabling module and enabling module reader to perform the requested data

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operations on the interrogatable module . . . is determined in an isolated manner by the set of permissions contained in the enabling module." (Timson, col. 3, lines 11-21.)

Timson discloses that "[i]f it is determined that the enabling module ***does not have the appropriate permissions*** to perform data operations on the interrogatable module data, the response from the enabling module is negative and ***no data communication is allowed***. ***In contrast, if the enabling module does have appropriate permissions*** to perform the requested data operations on the interrogatable module data, the enabling module and the enabling module reader send a challenge to the interrogatable module to determine if the holder of the interrogatable module has appropriate authority to conduct the requested data operations on that particular interrogatable module." (Timson, col. 3, lines 29-40 (emphasis added).)

Thus, Timson does not teach "submitting, by the controller, a request for authorization ... ***in response to a comparison that indicates that access by the access candidate is prohibited***," as recited by claim 1 (emphasis added). Rather, Timson explicitly states that "***no data communication is allowed***" if "the enabling module does not have appropriate permissions to perform data operations."

Further, Moreh teaches that ***upon successful authentication***, the protocol proxy receives back from the authentication mechanism a response including attributes and access rights of the subject. (Moreh, col. 6, lines 7-19 and col. 2, lines 57-62.)

Additionally, Timson does not teach "submitting a request for authorization to a resolution authority ... in response to a comparison of one or more attributes of the access candidate with the one or more access requirements associated with the second

security level that indicates that access to the second security level by the access candidate is prohibited," as recited by claim 7, "means for submitting a request for authorization to a resolution authority ... if the second comparison indicates that access to the electronic data by the access candidate is prohibited," as recited by claim 16, "submitting, by the controller, a request for authorization to a resolution authority, which is configured to modify the one or more access requirements, in response to a comparison that indicates that access by the access candidate is prohibited," as recited by claim 24, "submitting, by the controller, a request for authorization to a resolution authority ... in response to a comparison that indicates that access by the access candidate is prohibited," as recited by claim 29, or "submitting a request for authorization to a resolution authority in response to a comparison of one or more attributes of the access candidate with the one or more access requirements associated with the second security level that indicates that access to the second security level by the access candidate is prohibited," as recited by claim 30. As noted above with respect to claim 1, Timson explicitly states that "***no data communication is allowed***" if "the enabling module does not have appropriate permissions to perform data operations."

At pages 5 and 6 of the Office Action, the Examiner states, to which Applicants do not acquiesce, that Moreh teaches "a resolution authority" and that Bacha teaches "configured to modify the one or more access requirements." However, the Examiner does not use Moreh or Bacha to teach, nor do they teach, at least the above-noted distinguishing features of claims 1, 7, 16, 24, 29, and 30. Therefore, Moreh and Bacha cannot be used to cure the deficiencies of Timson. Thus, the applied references cannot be used to establish a prima facie case of obviousness for claims 1, 7, 16, 24, 29, and 30.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the 35 U.S.C. § 103(a) rejection of claims 1, 7, 16, 24, 29, and 30 and to pass these claims to allowance. Additionally, at least based on their respective dependencies to claims 1, 7, 16, 24, and 30 claims 2-4, 8-10, 14, 17-19, 25, 26, 31-33, and 37-40 should be found allowable over the applied references, as well as for their additional distinguishing features.

**Claims 5, 6, 11-13, 15, 20-23, 27, 28, and 34-36**

At page 15 of the Office Action, the Examiner rejected claims 5, 6, 11-13, 15, 20-23, 27, 28, and 34-36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Timson in view of Moreh and further in view of Bacha and U.S. Patent Application Publication Number 2004/0049687 to Orsini *et al.* ("Orsini"). Applicants respectfully traverse this rejection and the Response to Arguments on pages 2-4 of the Office Action.

Timson discloses an "interrogatable module" and an "enabling module" that "communicate with each other via a dual module reader." (Timson at col. 2, lines 31 and 32.) Timson further discloses that "[t]he interrogatable module and interrogatable module reader transmit a **challenge to the enabling module** via the enabling module reader to determine whether the enabling module is **authorized** to perform data operations to the data contained on the interrogatable module." (Timson, col. 3, lines 11-16 (emphasis added).) Timson also teaches that "[i]f the enabling module does have appropriate permissions to perform the requested data operations on the interrogatable module data, the enabling module and the enabling module reader send a **challenge to**

*the interrogatable module* to determine if the *holder* of the interrogatable module *has appropriate authority* to conduct the requested data operations on that particular interrogatable module."

Thus, Timson does not teach "receiving ... a request for access to the first security level," as recited by claim 15 or "a resource access controller configured to grant access to the one or more resources, in response to a request for access to the one or more resources," as recited by claim 23. Rather, Timson discloses that a "challenge" is sent "*to the interrogatable module to determine if the holder of the interrogatable module has appropriate authority* to conduct the requested data operations."

At pages 15 of the Office Action, the Examiner states, to which Applicants do not acquiesce, that Ornisi teaches "wherein one or more access requirements are related to at least one of a citizenship status of the access candidate or a currently location of the access candidate." However, the Examiner does not use Ornisi to teach, nor does it teach, at least the above-noted distinguishing features of claims 15 and 23. Therefore, Ornisi cannot be used to cure the deficiencies of Timson, Moreh, and Bacha. Thus, the applied references cannot be used to establish a prima facie case of obviousness for claims 15 and 23.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the 35 U.S.C. § 103(a) rejection of claims 15 and 23 and to pass these claims to allowance. Additionally, at least based on their respective dependencies to claims 1, 7, 16, 24, and 30, claims 5, 6, 11-13, 20-22, 27, 28, and 34-36 should be found allowable over the applied references, as well as for their additional distinguishing features.

***New Claims 41 and 42***

New claim 41 depends from claim 1, and new claim 42 depends from claim 15. Thus, for at least this reason, new claims 41 and 42 should be found allowable over the applied references.

Further, new claims 41 and 42 contain additional features that distinguish over the applied references. For example, new claim 41 recites, *inter alia*, "receiving supplemental evidence verifying the attributes of the access candidate.," and new claim 42 recites, *inter alia*, " wherein the data subsets are separated into the at least one data class based on a data provider of the data."

***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Appl. No. 10/659,368

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Glenn Perry", with a long horizontal flourish extending to the right.

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